

AMENDED IN SENATE APRIL 3, 2001

SENATE BILL

No. 537

Introduced by Senator Vasconcellos

February 22, 2001

An act to add *and repeal* Chapter 10.5 (commencing with Section 4700) ~~to~~ of Division 2 of the Business and Professions Code, relating to alcohol and drug abuse counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Vasconcellos. Alcohol and drug abuse counselors.

Existing law provides for the licensure and regulation of various healing arts practitioners, including those who provide counseling-related services, such as psychologists, social workers, and marriage, family, and child counselors.

This bill would create *within the Department of Consumer Affairs* the California Board of Alcohol and Drug Abuse Counselors and would provide for the *registration and licensure by the board* of ~~alcohol and drug abuse counselors by the board~~ persons who render for compensation alcohol and other drug dependency counseling services. The bill would *specify 3 categories of licensure and the criteria required for the issuance of a license by the board under each category. The bill would make it a misdemeanor for a an unlicensed person who is not licensed by the board* to represent himself or herself as a licensed alcohol and drug abuse counselor or, ~~subject to specified exceptions,~~ by the board to perform alcohol or drug counseling functions. *The bill would specify that its provisions remain in effect until an unspecified date at which time they would be repealed, unless a later enacted statute deletes or extends that date.*

Because this bill would make it a misdemeanor to engage in those particular activities, it would create a new crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10.5 (commencing with Section 4700)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 10.5. ALCOHOL AND DRUG ABUSE COUNSELORS
6 LICENSING LAW
7

8 4700. This chapter shall be known and may be cited as the
9 Alcohol and Drug Abuse Counselors Licensing Law.

10 4701. The following definitions apply for the purposes of this
11 chapter:

12 (a) “Board” means the California Board of Alcohol and Drug
13 Abuse Counselors.

14 (b) “Licensee” means a person licensed under this chapter as
15 ~~an alcohol and drug abuse counselor who renders for~~ *who renders*
16 *for* compensation, alcohol and other drug dependency and abuse
17 counseling, or related services, to an individual, group,
18 organization, corporation, institution, or the general public.

19 4702. (a) ~~The~~ *There is in the Department of Consumer*
20 *Affairs, the* California Board of Alcohol and Drug Abuse
21 Counselors ~~is hereby created~~.

22 (b) (1) The board consists of nine members appointed by the
23 Governor. Each member shall be a resident of the state at the time
24 of his or her appointment and for five years prior to appointment
25 to the board.

1 (2) Eight members of the board shall be licensees. ~~Three~~ Two
2 of these members shall also be voting members of the National
3 Association of Alcoholism and Drug Abuse Counselors. Two
4 other of these members shall be educators in the subject of alcohol
5 and drug abuse counseling. *Two other of these members shall have*
6 *a background in social model recovery programming.*

7 (3) The remaining member shall have been a consumer of
8 alcohol or drug abuse counseling services prior to his or her
9 appointment. This member shall not be licensed under this chapter
10 or employed in the alcohol or drug abuse counseling field.

11 (c) The board is responsible for administering the provisions of
12 this chapter. Those duties include, but are not limited to, the
13 following:

14 (1) Adopting rules and regulations required to implement the
15 provisions of this chapter.

16 (2) Selecting and providing for the administration of a
17 semiannual licensure examination.

18 (3) Initiating disciplinary action against a licensee, including
19 censure, reprimand, probation, or revocation of the license.

20 (4) Establishing continuing education requirements for
21 licensees.

22 (5) Establishing procedures for the receipt, investigation, and
23 resolution of complaints.

24 (6) Establishing supervision and supervisory requirements for
25 interns.

26 (7) Establishing the criteria for determining whether the
27 curriculum of an educational institution provides adequate
28 instruction for purposes of satisfying the educational requirements
29 for licensure under this chapter.

30 (8) Establishing a code of ethics for licensees.

31 (9) Establishing reinstatement procedures for a license issued
32 under this chapter that has expired or been revoked.

33 (d) The board shall elect a chairperson from its membership on
34 an annual basis and shall designate one of its members to serve as
35 a liaison with the Board of Behavioral Science Examiners.

36 (e) Board members shall serve without compensation but shall
37 be reimbursed for the actual and necessary expenses incurred in the
38 discharge of their duties under this chapter, including mileage at
39 the rate approved by the Department of Personnel Administration.

(f) The Governor may remove any member from the board for neglect of duty, conviction of a felony, or lack of attendance or participation at board meetings.

~~4703. (a) The board may issue a license to a person who~~
4703. *The board may register a person who applies for licensure registration and meets all of the following criteria:*

~~(1)~~

(a) *Is a resident of the state.*

~~(2)~~

(b) *Is at least 18 years of age.*

(c) *Has completed a professional ethics and orientation class.*

(d) *Has signed a code of ethics approved by the board.*

4704. *The board may issue a license under the following three categories:*

(a) *Licensed Addiction Counselor I.*

(b) *Licensed Addiction Counselor II.*

(c) *Licensed Addiction Practitioner.*

4705. *The board may issue a license under the category of Licensed Addiction Counselor I to an applicant who meets all of the following criteria:*

(a) *Is a resident of the state.*

(b) *Is at least 18 years of age.*

(c) *Is a high school graduate or possesses a general education development equivalent.*

(d) *Has 2,080 hours of experience working with chemically dependent persons in a supervised setting.*

(e) *Has completed 90 hours of classroom education or training in a curriculum approved by the board.*

4706. *The board may issue a license under the category of Licensed Addiction Counselor II to an applicant who meets all of the following criteria:*

(a) *Is a resident of the state.*

(b) *Is at least 18 years of age.*

~~(3)~~

(c) *Is a high school graduate or possesses a general education development equivalent.*

~~(4)~~

(d) *Has completed 315 hours of classroom instruction in a curriculum approved by the board.*

~~(5)~~

(e) Has 4,000 hours of *experience* working with chemically dependent persons in a clinically supervised setting.

~~(6)~~

(f) Has completed 300 hours of field work in a clinically supervised practicum.

~~(7) Submits~~

(g) *Has submitted* two letters of reference from licensees.

~~(8) Submits a case presentation to the board.~~

~~(9) Achieves~~

(h) *Has achieved* a passing score on an oral and a written examination, both of which have been approved by the board.

~~(b)–~~

4707. *The board may issue a license under the category of Licensed Addiction Practitioner to an applicant who meets all of the criteria for licensure under the category of Licensed Addiction Counselor II and who has earned a master's degree or a doctorate degree in alcohol and drug counseling, or a related human services field, from an educational institution approved by the board.*

4708. The term of a license issued under this ~~section~~ chapter is two years. The license may be renewed upon application to the board and payment of the fee specified in Section ~~4706~~ 4711.

~~4703.1.—~~

4708.1. (a) The board may issue a license *under the category of Licensed Addiction Counselor I* to a person who provides documentation to the board's satisfaction of current certification as a *Certified Addiction Specialist by the California Association of Addiction Recovery Resources.*

(b) *The board may issue a license under the category of Licensed Addiction Counselor II to a person who provides documentation to the board's satisfaction of current certification as an alcoholism, drug abuse, or alcoholism and drug abuse counselor by the National Association of Alcoholism and Drug Abuse Counselors, by the California Association of Alcoholism and Drug Abuse Counselors, by the International Certification and Reciprocity Consortium, or by the California Association of Alcohol and Drug Educators.* ~~An applicant under this section shall satisfy all criteria specified in Section 4703, except he or she shall not be required to take either examination described in paragraph (9) of subdivision (a) of that section.~~

(c) The board may issue a license under the category of a Licensed Addiction Practitioner to an alcoholism, drug abuse, or alcoholism and drug abuse counselor who meets all of the criteria for licensure under the category of Licensed Addiction Counselor II and who has a bachelor's degree in addiction counseling, or a related human services field, and five years of counseling experience.

~~(b)~~

(d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

~~4703.2.~~

4708.2. (a) The board may issue a provisional license to a person who files an application for provisional licensure and demonstrates to the board's satisfaction adequate experience, training, and education under the category of Licensed Addiction Practitioner to an applicant who meets all of the criteria for licensure under the category of Licensed Addiction Counselor II and who is currently enrolled in a bachelor's or master's degree program that satisfies the educational requirements for licensure under the category of Licensed Addiction Practitioner. A provisional license shall be issued for a term of two to five years and may be renewed, unless the provisional license was initially issued five ten or more years before the date of the application for renewal.

~~(b) The board may issue a license under Section 4703 to a provisional licensee who takes and achieves a passing score on both examinations described in paragraph (9) of subdivision (a) of Section 4703 within two years of the issuance date of his or her provisional license without the provisional licensee meeting the education and experience requirements in paragraphs (4), (5), and (6) of subdivision (a) of Section 4703.~~

~~(c)~~

(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

~~4704.—~~

4709. (a) (1) A person licensed under this chapter the category of Licensed Addiction Counselor I or II, may perform without supervision the following functions in connection with

~~alcohol and drug abuse counseling: screening, intake, orientation, the functions described in paragraph (2) in connection with alcohol and drug abuse counseling, either while under the supervision of a Licensed Addiction Practitioner or other licensed medical or mental health professional or while employed in an alcohol or drug abuse treatment program licensed or certified by the state, a facility operated by the Department of Corrections, or a hospital or clinic that is licensed by the State Department of Health Services.~~

(2) Screening, intake, orientation, assessment, treatment planning, treatment, case management, substance abuse, or dependence crisis intervention, client education, referral activities, recordkeeping, and consultation with other healing arts professionals.

~~A~~

(b) A person licensed under ~~this chapter~~ the category of Licensed Addiction Practitioner may perform all of the functions described in paragraph (2) of subdivision (a) without supervision in any type of setting and may also supervise, direct, and instruct others who provide alcohol or drug abuse treatment services.

~~4705.~~

4710. (a) A person shall not represent himself or herself as a ~~licensed alcohol and drug abuse counselor and shall not use the title, initials, or description of a licensed alcohol and drug abuse counselor, or practice or attempt to practice alcohol and drug abuse~~ licensed under this chapter and shall not use the title, initials, or description of a Licensed Addiction Counselor I or II or Licensed Addiction Practitioner or practice or attempt to practice alcohol and drug abuse counseling without a valid license issued under this chapter. A person who violates this subdivision is guilty of a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500).

(b) This section shall not apply to the following:

(1) A person who performs alcohol or drug counseling functions if the person is qualified or licensed to perform those functions and does not use a title that incorporates the words ~~“alcohol and drug abuse counselor” or “licensed alcoholism and drug abuse counselor,”~~ or otherwise hold himself or herself out to ~~“Licensed Addiction Counselor” or “Licensed Addiction Practitioner,”~~ or otherwise hold himself or herself out to the public

1 by any title or description stating or implying that he or she is
2 licensed to engage in the practice of alcohol and drug abuse
3 counseling.

4 ~~(e)~~

5 (2) A member of a peer or self-help group in performing peer
6 group or self-help activities if the person does not use a title stating
7 or implying he or she is licensed to engage in the practice of
8 alcohol and drug abuse counseling.

9 ~~(d)~~

10 (3) A student who is enrolled in an accredited school of alcohol
11 and drug abuse counseling while providing alcohol and drug abuse
12 counseling services under qualified supervision.

13 ~~4706.~~

14 4711. The board shall assess a fee in the amount of ____
15 dollars (\$____) that each applicant shall pay to the board for
16 *registration and for* the issuance of a license under this chapter and
17 for its renewal.

18 4712. *This chapter shall remain in effect only until ____, and*
19 *as of that date is repealed, unless a later enacted statute, that is*
20 *enacted before ____, deletes or extends that date.*

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

